

BILL LEE
GOVERNOR



LISA HELTON
INTERIM COMMISSIONER

STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
SIXTH FLOOR RACHEL JACKSON BUILDING
320 SIXTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0465
OFFICE (615) 253-8139 • FAX (615) 532-8281

June 28, 2022

Hardeman County Government
C/O Mayor Jimmy Sain
100 North Main
Bolivar, Tennessee 38008

Dear Mr. Sain:

SUBJECT: Assessment of Liquidated Damages – Whiteville Correctional Facility (WCFA)

In accordance with Section E.12 and Attachment Three of the contract between the State and Hardeman County, contract monitoring staff with the TDOC Office of the Inspector General have completed contract monitoring for the periods below. A review, and consideration of the findings for that monitoring period, has resulted in an overall assessment of three million, six hundred forty-eight thousand, thirteen dollars and thirty-six cents **(\$3,648,013.36)**. All Attachments referenced herein are available for review upon request.

1. Failure to Meet Behavioral Health Standards

The following assessments are the results of audits conducted for October 1, 2019 – June 30, 2020, and January 1, 2021 – June 30, 2021.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Behavioral Health 9 Essential 4th Q2019 (Repeat)	25-Feb-20	4	5	\$ 25.00	1	\$ 500.00
Behavioral Health 21 Essential 4th Q2019 (Repeat)	25-Feb-20	4	5	\$ 25.00	14	\$ 7,000.00
Behavioral Health 4 Q1 and 2 2020 (Repeat)	6-Nov-20	4	5	\$ 25.00	3	\$ 1,500.00
Behavioral Health 8 Q1 and 2 2020 (Repeat)	6-Nov-20	4	5	\$ 25.00	17	\$ 8,500.00
Behavioral Health 2 Q1 2021 Essential Repeat)	18-Jun-21	4	5	\$ 25.00	5	\$ 2,500.00
Behavioral Health 4 Q1 2021 (Repeat)	18-Jun-21	4	5	\$ 25.00	7	\$ 3,500.00
Behavioral Health 9 Q1 2021 Essential (Repeat)	18-Jun-21	4	5	\$ 25.00	5	\$ 2,500.00
Behavioral Health 21 Q1 2021 Essential (Repeat)	18-Jun-21	4	5	\$ 25.00	3	\$ 1,500.00
Behavioral Health 2 Q2 2021 Essential (Repeat)	21-Dec-21	4	5	\$ 25.00	1	\$ 500.00
Behavioral Health 7 Q2 2021 (Repeat)	21-Dec-21	4	5	\$ 25.00	6	\$ 3,000.00
Behavioral Health 9 Q1 2021 Essential (Repeat)	21-Dec-21	4	5	\$ 25.00	2	\$ 1,000.00
Total Damages						\$ 32,000.00

Please see Attachments A and B for more detail on the Behavioral Health Standards liquidated damage calculations. Attachment A is for the audit period of October 1, 2019 – December 31, 2019. Attachment B is for the audit period January 1, 2020 – June 30, 2020. Attachment BBBB - CCCC is for the audit period January 1, 2021 – June 30, 2021.

2. Failure to Meet Health Services Standards

The following assessments are the results of audits conducted for October 1, 2019 – June 30, 2020, and January 1, 2021 – June 30, 2021.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Branch	Contract Multiplier	Number of Occurrences	Total Damages
Health Services 5 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	18	\$ 5,400.00
Health Services 11 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	22	\$ 6,600.00
Health Services 12 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	21	\$ 6,300.00
Health Services 24 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	5	\$ 1,500.00
Health Services 26 Q1 and 2 2020 (Repeat)	6-Nov-20	4	5	\$ 25.00	20	\$ 10,000.00
Health Services 28 Q1 and 2 2020 (Repeat)	6-Nov-20	4	5	\$ 25.00	6	\$ 3,000.00
Health Services 40 Q1 and 2 2020 (Repeat)	6-Nov-20	4	5	\$ 25.00	32	\$ 16,000.00
Health Services 45 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	3	\$ 900.00
Health Services 46 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	7	\$ 2,100.00
Health Services 48 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	4	\$ 1,200.00
Health Services 53 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	28	\$ 8,400.00
Health Services 58 Q1 and 2 2020 (Repeat)	6-Nov-20	4	3	\$ 25.00	4	\$ 1,200.00
Health Services 9 Q4 2019 (Repeat)	25-Feb-20	4	3	\$ 25.00	11	\$ 3,300.00
Health Services 12 Q4 2019 Essential (Repeat)	25-Feb-20	4	3	\$ 25.00	7	\$ 2,100.00
Health Services 37 Q4 2019 Essential (Repeat)	25-Feb-20	4	3	\$ 25.00	5	\$ 1,500.00
Health Services 40 Q4 2019 (Repeat)	25-Feb-20	4	5	\$ 25.00	11	\$ 5,500.00
Health Services 45 Q4 2019 Essential (Repeat)	25-Feb-20	4	3	\$ 25.00	7	\$ 2,100.00
Health Services 48 Q4 2019 Essential (Repeat)	25-Feb-20	4	3	\$ 25.00	11	\$ 3,300.00
Health Services 58 Q4 2019 Essential (Repeat)	25-Feb-20	4	5	\$ 25.00	3	\$ 1,500.00
Health Services 5 Q1 2021 Essential (Repeat)	18-Jun-21	4	3	\$ 25.00	1	\$ 300.00
Health Services 10 Q1 2021 (Repeat)	18-Jun-21	4	5	\$ 25.00	51	\$ 25,500.00
Health Services 11 Q1 2021 (Repeat)	18-Jun-21	4	3	\$ 25.00	17	\$ 5,100.00
Health Services 24 Q1 2021 (Repeat)	18-Jun-21	4	3	\$ 25.00	5	\$ 1,500.00
Health Services 26 Q1 2021 (Repeat)	18-Jun-21	4	5	\$ 25.00	29	\$ 14,500.00
Health Services 28 Q1 2021 (Repeat) (Part A)	18-Jun-21	4	3	\$ 25.00	3	\$ 900.00
Health Services 28 Q1 2021 (Repeat) (Part B)	18-Jun-21	4	5	\$ 25.00	17	\$ 8,500.00
Health Services 29 Q1 2021 Repeat	18-Jun-21	4	5	\$ 25.00	11	\$ 5,500.00
Health Services 40 Q1 2021 (Repeat)	18-Jun-21	4	5	\$ 25.00	19	\$ 9,500.00
Health Services 45 Q1 2021 (Repeat)	18-Jun-21	4	3	\$ 25.00	11	\$ 3,300.00
Health Services 46 Q1 2021 (Repeat)	18-Jun-21	4	3	\$ 25.00	5	\$ 1,500.00
Health Services 48 Q1 2021 (Repeat)	18-Jun-21	4	3	\$ 25.00	17	\$ 5,100.00
Health Services 53 Q1 2021 (Repeat)	18-Jun-21	4	3	\$ 25.00	2	\$ 600.00
Health Services 58 Q1 2021 (Repeat)	18-Jun-21	4	3	\$ 25.00	2	\$ 600.00
Health Services 59 Q1 2021 (Repeat)	18-Jun-21	4	5	\$ 25.00	20	\$ 10,000.00
Health Services 60 Q1 2021 (Repeat)	18-Jun-21	4	5	\$ 25.00	16	\$ 8,000.00
Health Services 1 Q2 2021 Essential (Repeat)	17-Dec-21	4	3	\$ 25.00	9	\$ 2,700.00
Health Services 3 Q2 2021 Essential (Repeat)	17-Dec-21	4	5	\$ 25.00	3	\$ 1,500.00
Health Services 5 Q2 2021 Essential (Repeat)	17-Dec-21	4	3	\$ 25.00	1	\$ 300.00
Health Services 10 Q2 2021 (Repeat)	17-Dec-21	4	5	\$ 25.00	65	\$ 32,500.00
Health Services 11 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	7	\$ 2,100.00
Health Services 18 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	5	\$ 1,500.00
Health Services 26 Q2 2021 (Repeat)	17-Dec-21	4	5	\$ 25.00	2	\$ 1,000.00
Health Services 28 Q2 2021 (Repeat) (Part B)	17-Dec-21	4	5	\$ 25.00	2	\$ 1,000.00
Health Services 29 Q2 2021 (Repeat)	17-Dec-21	4	5	\$ 25.00	6	\$ 3,000.00
Health Services 33 Q2 2021 Repeat	17-Dec-21	4	5	\$ 25.00	3	\$ 1,500.00
Health Services 40 Q2 2021 (Repeat)	17-Dec-21	4	5	\$ 25.00	12	\$ 6,000.00
Health Services 41 Q2 2021 (Repeat)	17-Dec-21	4	5	\$ 25.00	229	\$ 114,500.00
Health Services 45 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	15	\$ 4,500.00
Health Services 46 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	7	\$ 2,100.00
Health Services 48 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	17	\$ 5,100.00
Health Services 53 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	91	\$ 22,700.00
Health Services 54 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	6	\$ 1,800.00
Health Services 58 Q2 2021 (Repeat)	17-Dec-21	4	3	\$ 25.00	4	\$ 1,200.00
Health Services 59 Q2 2021 (Repeat)	17-Dec-21	4	5	\$ 25.00	20	\$ 10,000.00
Health Services 60 Q2 2021 (Repeat)	17-Dec-21	4	5	\$ 25.00	15	\$ 7,500.00
Total Damages						\$ 402,400.00

Please see Attachments A and B for more detail on the Health Standards liquidated damage calculations. Attachment A is for the audit period of October 1, 2019 – December 31, 2019. Attachment B is for the audit period

January 1, 2020 – June 30, 2020. Attachment BBBB is for the audit period January 1, 2021 – March 31, 2021. Attachment DDDD is for the audit period April 1, 2021 – June 30, 2021.

3. Failure to Meet Count Standards

The following assessments are the results of audits for January 1, 2020 – June 30, 2020, and October 1, 2020 – December 31, 2020.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Count Item 3 Repeat	31-Mar-20	4	5	\$ 25.00	10	\$ 5,000.00
Count Item 6a (Essential) Repeat	30-Jul-20	4	5	\$ 25.00	2	\$ 1,000.00
Count Item 6a (Essential) Repeat	8-Jan-21	4	5	\$ 25.00	18	\$ 9,000.00
Total Damages						\$ 15,000.00

Please see Attachments C – E for more detail on the Count Standards liquidated damage calculations. Attachment C is for the audit period January 1, 2020 – March 31, 2020, Attachment D is for the audit period April 1, 2020 – June 30, 2020, and Attachment E is for the audit period October 1, 2020 – December 31, 2020.

4. Failure to Meet Staffing Standards

The following assessments are the results of audits conducted for December 1, 2019 – January 31, 2020, April 1, 2020 – December 31, 2020, and March 1, 2021 – June 30, 2021.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Staffing 3 Dec Essential (Repeat) 2019	25-Feb-20	4	5	\$ 25.00	2	\$ 1,000.00
Staffing 8 Dec (Repeat) 2019	25-Feb-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 12 Dec (Repeat) 2019	25-Feb-20	4	5	\$ 25.00	6	\$ 3,000.00
Staffing 8 Jan (Repeat) 2020	25-Feb-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 3 June Essential (Repeat) 2020	30-Jul-20	4	5	\$ 25.00	4	\$ 2,000.00
Staffing 4 June Essential (Repeat) 2020	30-Jul-20	4	5	\$ 25.00	12	\$ 6,000.00
Staffing 12 June Essential (Repeat) 2020	30-Jul-20	4	5	\$ 25.00	14	\$ 7,000.00
Staffing 8 JULY (Repeat) 2020	30-Oct-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 August (Repeat) 2020	30-Oct-20	4	5	\$ 25.00	1	\$ 500.00
Staffing 3 SEPT Essential (Repeat) 2020	30-Oct-20	4	5	\$ 25.00	2	\$ 1,000.00
Staffing 4 SEPT Essential (Repeat) 2020	30-Oct-20	4	5	\$ 25.00	4	\$ 2,000.00
Staffing 12 SEPT Essential (Repeat) 2020	30-Oct-20	4	5	\$ 25.00	3	\$ 1,500.00
Staffing 8 OCT (Repeat) 2020	8-Jan-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 1b DEC Repeat 2020	28-Jan-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 2a Dec Essential (Repeat) 2020	28-Jan-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 3 Dec Essential (Repeat) 2020	28-Jan-21	4	5	\$ 25.00	2	\$ 1,000.00
Staffing 4 Dec Essential (Repeat) 2020	28-Jan-21	4	5	\$ 25.00	7	\$ 3,500.00
Staffing 8 DEC (Repeat) 2020	28-Jan-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 1b MARCH (Repeat)	10-Jun-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 2a MARCH Essential (Repeat)	10-Jun-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 MAR (Repeat) 2021	10-Jun-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 8 APRIL (Repeat) 2021	10-Jun-21	4	5	\$ 25.00	2	\$ 1,000.00
Staffing 8 May (Repeat) 2021	7-Dec-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 1b June (Repeat) 2021	10-Dec-21	4	5	\$ 25.00	1	\$ 500.00
Staffing 2a June Essential (Repeat) 2021	10-Dec-21	4	5	\$ 25.00	1	\$ 500.00
Total Damages						\$ 36,000.00

Please see Attachments F – O for more detail on the Staffing liquidated damage calculations. Attachments F- M is for the audit periods December 1, 2019 – January 31, 2020, and April 1, 2020 – December 31, 2020. Attachments N – O is for the audit period March 1, 2021 – April 30, 2021. Attachments EEEE – FFFF is for the audit period May 1, 2021 – June 30, 2021.

5. Failure to Meet Records and Reports Standards

The following assessments are the results of audits conducted for January 1, 2020 – June 2021.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Records and Reports 1a (Repeat)	31-Mar-20	4	2	\$ 25.00	22	\$ 4,400.00
Records and Reports 2c Repeat	31-Mar-20	4	2	\$ 25.00	18	\$ 3,600.00
Records and Reports 2c (Repeat)	30-Jul-20	4	2	\$ 25.00	6	\$ 1,200.00
Records and Reports 2c (Repeat)	30-Oct-20	4	2	\$ 25.00	4	\$ 800.00
Records and Reports 2c Essential Repeat	8-Jan-21	4	3	\$ 25.00	3	\$ 900.00
Records and Reports 9 Repeat	28-Jan-21	4	3	\$ 25.00	2	\$ 600.00
Records and Reports 2c Essential Repeat	16-Apr-21	4	3	\$ 25.00	1	\$ 300.00
Records and Reports 9 Repeat	16-Apr-21	4	3	\$ 25.00	15	\$ 4,500.00
Records and Reports 2c Essential Repeat	30-Nov-21	4	3	\$ 25.00	4	\$ 1,200.00
Total Damages						\$ 17,500.00

Please see Attachments P – U for more detail on the Records and Reports Standards liquidated damage calculations. Attachments P – U and GGGG are for the audit period January 1, 2020 – June 2021.

6. Failure to Meet Security Equipment Standards

The following assessments are the results of audits conducted for January 1, 2020 – June 30, 2020.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Security Equipment 11g Essential (Repeat)	31-Mar-20	4	5	\$ 25.00	13	\$ 6,500.00
Security Equipment 3 Essential (Repeat)	30-Jul-20	4	5	\$ 25.00	1	\$ 500.00
Total Damages						\$ 7,000.00

Please see Attachments V – W for more detail on the Security Equipment Standards liquidated damage calculations. Attachments V – W are for audit period January 1, 2020 – June 30, 2020.

7. Failure to Meet Special Management Inmate Standard

The following assessments are the results of audits conducted for January 1, 2020 – March 31, 2020.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Special Management 8b Essential (Repeat)	31-Mar-20	4	5	\$ 25.00	61	\$ 30,500.00
Total Damages						\$ 30,500.00

Please see Attachments X for more detail on the Special Management – Inmate Standards liquidated damage calculations. Attachment X is for audit period January 1, 2020 – March 31, 2020.

8. Failure to Meet Use of Force Standards

The following assessments are the results of audits conducted for January 1, 2020 – March 31, 2021.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Use of Force 2a Essential Repeat	31-Mar-20	4	5	\$ 25.00	5	\$ 2,500.00
Use of Force 2b Essential Repeat	31-Mar-20	4	5	\$ 25.00	3	\$ 1,500.00
Use of Force 2a Essential Repeat	30-Jul-20	4	5	\$ 25.00	4	\$ 2,000.00
Use of Force 2b Essential Repeat	30-Jul-20	4	5	\$ 25.00	3	\$ 1,500.00
Use of Force 2a Essential Repeat	30-Oct-20	4	5	\$ 25.00	10	\$ 5,000.00
Use of Force 2b Essential Repeat	30-Oct-20	4	5	\$ 25.00	3	\$ 1,500.00
Use of Force 2a (Repeat)	8-Jan-21	4	3	\$ 25.00	5	\$ 1,500.00
Use of Force 2b Essential Repeat	8-Jan-21	4	5	\$ 25.00	1	\$ 500.00
Use of Force 2b Essential Repeat	16-Apr-21	4	5	\$ 25.00	1	\$ 500.00
Total Damages						\$ 16,500.00

Please see Attachments Y – CC for more detail on the Use of Force Standards liquidated damage calculations. Attachments Y – CC are for audit period January 1, 2020 – March 31, 2021.

9. Failure to Clothing, Sanitation, and Hygiene Standards

The following assessments are the results of audits conducted for January 1, 2020 – June 30, 2020.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Clothing Sanitation & Hygiene NIN Repeat (Held in Shower)	30-Jul-20	5	5	\$ 25.00	2	\$ 1,250.00
Total Damages						\$ 1,250.00

Please see Attachment DD for more detail on the Clothing, Sanitation, and Hygiene Standards liquidated damage calculations. Attachment DD is for audit period January 1, 2020 – June 30, 2020.

10. Failure to Meet Safety and Emergency Procedures Standard

The following assessments are the results of audits conducted for January 1, 2020 – June 30, 2020.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Safety and Emergency Procedures 3 Repeat	30-Jul-20	3	5	\$ 25.00	4	\$ 1,500.00
Total Damages						\$ 1,500.00

Please see Attachment EE for more detail on the Safety and Emergency Procedures Standards liquidated damage calculations. The Attachment EE is for audit period January 1, 2020 – June 30, 2020.

11. Failure to Meet Classification Standards

The following assessments are the results of audits conducted for July 1, 2020 – December 31, 2020.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Classification NIN Orientation Repeat	30-Oct-20	5	5	\$ 25.00	10	\$ 6,250.00
Total Damages						\$ 6,250.00

Please see Attachment FF for more detail on the Classification Standards liquidated damage calculations. Attachment FF is for audit period July 1, 2020 – December 31, 2020.

12. Failure to Meet Release Procedures Standards

The following assessments are the results of audits conducted for July 1, 2020 – December 31, 2020.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Release Procedures and Pre-Release 1f Essential Repeat	28-Jan-21	5	4	\$ 25.00	16	\$ 8,000.00
Total Damages						\$ 8,000.00

Please see Attachment GG for more detail on the Release Procedures Standards liquidated damage calculations. Attachment GG is for audit period July 1, 2020 – December 31, 2020.

13. Failure to Meet Disciplinary Procedures Standards

The following assessments are the results of audits conducted for October 1, 2020 – June 30, 2021.

Audit Standard	Non-Compliance Report Date	Relative Value of the Service Area	Relative Value of the Breach	Contract Multiplier	Number of Occurrences	Total Damages
Disciplinary Procedures 2d (Repeat)	8-Jan-21	5	5	\$ 25.00	10	\$ 6,250.00
Disciplinary Procedures 2f Essential (Repeat)	8-Jan-21	5	5	\$ 25.00	9	\$ 5,625.00
Disciplinary Procedures 2g Essential (Repeat)	8-Jan-21	5	5	\$ 25.00	2	\$ 1,250.00
Disciplinary Procedures 2f Essential (Repeat)	16-Apr-21	5	5	\$ 25.00	4	\$ 2,500.00
Disciplinary Procedures 2d (Repeat)	25-May-21	5	5	\$ 25.00	64	\$ 40,000.00
Total Damages						\$ 55,625.00

Please see Attachments HH – JJ for more detail on the Disciplinary Procedures Standards liquidated damage calculations. Attachments HH – JJ are for audit period October 1, 2020 – June 30, 2021.

14. Failure to Fill Critical Posts

The following assessments are the results of audits conducted for December 2019 – June 30, 2021.

Audit Standard	Non-Compliance Report Date	Total Damages
Staffing 2b Essential DEC (Repeat) 2019	25-Feb-20	\$ 75,592.36
Staffing 2b Essential JAN (Repeat) 2020	25-Feb-20	\$ 46,033.33
Staffing 2b Essential FEB (Repeat) 2020	31-Mar-20	\$ 65,967.36
Staffing 2b Essential MAR (Repeat) 2020	30-Jul-20	\$ 67,010.42
Staffing 2b Essential APRIL (Repeat) 2020	30-Jul-20	\$ 45,473.89
Staffing 2b Essential MAY (Repeat) 2020	30-Jul-20	\$ 43,168.06
Staffing 2b Essential JUNE(Repeat) 2020	30-Jul-20	\$ 51,751.53
Staffing 2b Essential JULY (Repeat) 2020	30-Oct-20	\$ 90,791.94
Staffing 2b Essential AUG (Repeat) 2020	30-Oct-20	\$ 64,941.67
Staffing 2b Essential SEPT (Repeat) 2020	30-Oct-20	\$ 57,904.31
Staffing 2b Essential OCT (Repeat) 2020	8-Jan-21	\$ 83,113.89
Staffing 2b Essential NOV (Repeat) 2020	8-Jan-21	\$ 84,045.14
Staffing 2b Essential DEC (Repeat) 2020	28-Jan-21	\$ 122,225.69
Staffing 2b Essential JAN (Repeat) 2021	16-Apr-21	\$ 102,663.19
Staffing 2b Essential FEB (Repeat) 2021	16-Apr-21	\$ 114,463.89
Staffing 2b Essential MAR (Repeat) 2021	10-Jun-21	\$ 129,402.78
Staffing 2b Essential APRIL (Repeat) 2021	10-Jun-21	\$ 153,753.47
Staffing 2b Essential MAY (Repeat) 2021	7-Dec-21	\$ 162,698.61
Staffing 2b Essential JUNE (Repeat) 2021	10-Dec-21	\$ 190,484.03
Total Damages		\$ 1,751,485.56

Please see Attachments F – O and KK – HHH for more detail on the Filling Critical Posts Standards liquidated damage calculations. Attachments F – O and KK – QQ are for audit period December 2019 – April 30, 2021. Attachments RR – HHH are calculation spreadsheets for audit period December 2019 – April 30, 2021. Attachments EEEE – FFFF is for the audit period May 1, 2021 – June 30, 2021. Attachments HHHH – IIII are the calculation spreadsheets for the audit period May 1, 2021 – June 30, 2021.

15. Failure to Fill Vacancies within 45 Days Less Overtime Costs

The following assessments are the results of audits conducted for December 2019 – June 30, 2021.

Audit Standard	Non-Compliance Report Date	Time Period	Estimated Daily Salaries and Benefits	Overtime Costs Incurred	Resulting Damages
Staffing 9 Essential (Repeat)	25-Feb-20	Dec-19	\$344,523.72	\$121,268.99	\$223,254.73
Staffing 9 Essential (Repeat)	25-Feb-20	Jan-20	\$451,880.76	\$101,573.22	\$350,307.54
Staffing 9 Essential (Repeat)	30-Jul-20	Feb-20	\$304,057.34	\$92,224.30	\$211,833.04
Staffing 9 Essential (Repeat)	30-Jul-20	Mar-20	\$286,093.15	\$86,113.13	\$199,980.02
Staffing 9 Essential (Repeat)	30-Jul-20	Apr-20	\$372,609.74	\$96,483.27	\$276,126.47
Total Damages					\$1,261,501.80

Please see Attachments F – O, KK – QQ, and III for more detail on the Fill Vacancies within 45 Days, Less Overtime liquidated damage calculations for audit period December 2019 – April 30, 2021. Attachments EEEE – FFFF is for the audit period May 1, 2021 – June 30, 2021. The estimated salaries and benefits of vacant positions are listed in Attachments JJJ – ZZZ and JJJJ - KKKK. For calculations concerning the allowance of overtime credit, please see Attachment AAAA.

As a result of these findings of non-compliance and in accordance with Section E.12 and Attachment Three of the contract between the State and Hardeman County, I find Hardeman County, to be in breach of contract, and I am directing these liquidated damages in the amount of three million, six hundred forty-eight thousand, thirteen dollars and thirty-six cents (\$3,648,013.36) be withheld from payment to Core Civic. The liquidated damages will be deducted from the State's next payment for services under the contract unless an appeal is received within thirty (30) calendar days from receipt of this letter.

I do appreciate Hardeman County's and CoreCivic's ongoing efforts to become fully compliant with the contract and address these issues of non-compliance. I also appreciate the partnership between TDOC and Hardeman County and CoreCivic.

If you have any questions or concerns, please feel free to contact me.

Sincerely,



Lisa Helton
Interim Commissioner

LH:KY

Enclosures

Pc: Vince Vantell, Warden, WCFA, CoreCivic
Vance Laughlin, Interim Regional Manager, Facility Operations, Division 6, CoreCivic
Damon Hininger, President & CEO, Core Civic
Bo Irvin, Chief Financial Officer, TDOC
Debbie Inglis, Deputy Commissioner/General Counsel, TDOC
Lee Dotson, Assistant Commissioner, Prisons, TDOC
Darren Settles, Deputy AC, Prisons, TDOC
Trinity Minter, Correctional Administrator, TDOC
Kelly Young, Inspector General, TDOC
Lisa Parks, Fiscal Director, TDOC
Carolyn Jordan, Director, Contract Monitoring, TDOC
Denys Yeager, Contract Monitor, TDOC
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